

Message Text

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PAGE 01 SINGAP 03621 140229Z
ACTION EA-12

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E.O. 11652: N/A
TAGS: BGEN, SN
SUBJECT: BAKER & MCKENZIE APPLICATION

REF: SINGAPORE 3207

1. AMBASSADOR HAS RECEIVED FOLLOWING CABLE FROM BAKER
& MCKENZIE: QUOTE

"AUGUST 7, 1978

"TO: THE HONORABLE RICHARD KNEIP

"RE: APPLICATION FOR PERMISSION TO BAKER AND
MCKENZIE TO ESTABLISH LAW PRACTICE IN SINGAPORE

"DEAR MR. AMBASSADOR:

"THIS IS IN REFERENCE TO OUR PRIOR DISCUSSIONS IN
WASHINGTON REGARDING THE DESIRE OF OUR FIRM TO
ESTABLISH A LAW OFFICE IN THE REPUBLIC OF SINGAPORE.

"WE UNDERSTAND THAT THE UNITED STATES EMBASSY
IN SINGAPORE HAS MADE PRELIMINARY INVESTIGATIONS INTO
THE MATTER AND HAS CABLED ITS VIEW TO THE DEPARTMENT
OF STATE IN WASHINGTON. THE SUBSTANCE OF THESE VIEWS
HAS BEEN COMMUNICATED TO US. THE ISSUES AS PERCEIVED
BY THE UNITED STATES EMBASSY IN SINGAPORE HAVE BEEN
DEALT WITH IN CONSIDERABLE DETAIL IN THE WRITTEN
APPLICATION AND SUPPLEMENTAL CORRESPONDENCE SUBMITTED
BY BAKER AND MCKENZIE TO THE REPUBLIC OF SINGAPORE. WE
BELIEVE THAT THE PROPOSAL OF OUR FIRM IS COMPLETELY

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COMPATIBLE WITH THE LAWS OF SINGAPORE RELATING TO THE
LEGAL PROFESSION AND, SPECIFICALLY, THE PRACTICE OF
FOREIGN LAW FIRMS IN THE REPUBLIC. WE FURTHER BELIEVE
THAT THE PRESENCE OF OUR FIRM IN SINGAPORE WOULD CON-
TRIBUTE TO THE ADVANCEMENT OF THE REPUBLIC'S POSITION
AS ONE OF THE MOST SOPHISTICATED COUNTRIES IN ASIA IN
THE AREAS OF FINANCIAL, TECHNOLOGICAL, AND INTERNATIONAL

TRADE. FOR THESE REASONS WE WOULD RESPECTFULLY REQUEST THAT THE FOUNDER AND SENIOR PARTNER OF OUR FIRM, RUSSELL BAKER ESQUIRE, BE GIVEN THE OPPORTUNITY TO MEET WITH THE RIGHT HONORABLE LEE KUAN YEW TO DISCUSS THIS MATTER AND WE ENLIST YOUR ASSISTANCE IN ESTABLISHING SUCH A MEETING.

JOHN C. KLOTSCH, PARTNER, BAKER AND MCKENZIE, PRUDENTIAL PLAZA, CHICAGO, ILLINOIS 60601." UNQUOTE.

2. EMBASSY COMMENT: WE WOULD BE DELIGHTED TO SEE ANOTHER AMERICAN LAW FIRM ESTABLISHED IN SINGAPORE AND ARE WELL AWARE OF BAKER & MCKENZIE'S EXCELLENT REPUTATION AND STANDING IN U.S. AND INTERNATIONAL LEGAL PROFESSION. WE SEE NO PROSPECT, HOWEVER, THAT PRIME MINISTER LEE WOULD AGREE PERSONALLY TO MEET WITH REPRESENTATIVE OF BAKER & MCKENZIE TO DISCUSS FIRM'S APPLICATION NOR DO WE BELIEVE SINGAPORE GOVERNMENT WOULD CONSIDER REVERSING DECISION OF ATTORNEY GENERAL IN ABSENCE OF COMPLETE NEW PRESENTATION ON PART OF FIRM.

3. WE ARE PUZZLED BY STATEMENT IN BAKER & MCKENZIE'S CABLE THAT "THE ISSUES AS PERCEIVED BY THE U.S. EMBASSY IN SINGAPORE HAVE BEEN DEALT WITH IN CONSIDERABLE DETAIL IN THE WRITTEN APPLICATION AND SUPPLEMENTAL CORRESPONDENCE SUBMITTED" MAJOR ISSUE THAT WE CITED IN REFTEL WAS THAT LAW FIRMS SEEKING TO OPEN OFFICES IN SINGAPORE MUST INCLUDE IN THEIR APPLICATION AN UNDERTAKING NOT TO ENGAGE IN DOMESTIC LAW PRACTICE. BAKER & LIMITED OFFICIAL USE

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MCKENZIE'S APPLICATION STATED SPECIFICALLY THAT THE FIRM DID INTEND TO ENGAGE IN DOMESTIC PRACTICE. IF "SUPPLEMENTAL CORRESPONDENCE" HAS MODIFIED THIS POSITION, WE ARE UNAWARE OF IT.

4. MOST DIFFICULT ASPECT OF BAKER & MCKENZIE'S APPLICATION, HOWEVER, IS REPORT CITED REFTEL FROM RESPONSIBLE RESIDENT AMERICAN BUSINESSMAN THAT BAKER & MCKENZIE HAD ACTUALLY OPENED OFFICE IN SINGAPORE SOME YEARS AGO BUT HAD BEEN FORCED BY SINGAPORE GOVERNMENT TO CLOSE OFFICE BECAUSE STAFF HAD INSISTED ON ENGAGING IN DOMESTIC PRACTICE. AMERICAN SOURCE TELLS US HE HAS CHECKED HIS RECORDS AND THAT FIRM WHICH HAD BEEN FORCED TO CLOSE WAS INDEED BAKER & MCKENZIE. SINCE FIRM'S APPLICATION TO ATTORNEY GENERAL CLEARLY PORTRAYS FIRM AS WISHING TO ENTER SINGAPORE FOR THE FIRST TIME, SINGAPORE GOVERNMENT WOULD REGARD APPLICATION AS BEING MADE IN BAD FAITH IF THIS REPORT IS CORRECT. ACTION REQUESTED: WOULD APPRECIATE DEPARTMENT'S INSTRUCTIONS AS TO HOW TO PROCEED IN THIS MATTER. SEEMS TO US CRUCIAL AT THIS STAGE TO ESTABLISH WHETHER REPORT ABOUT BAKER & MCKENZIE'S PREVIOUS ACTIVITIES IN SINGAPORE IS TRUE. WE SUGGEST DEPARTMENT CONTACT FIRM AND ASK THEM DIRECTLY WHETHER THEY HAVE EVER HAD A SINGAPORE OFFICE IN THE PAST. IF BAKER &

MCKENZIE CONFIRM THIS REPORT, DEPARTMENT WOULD BE JUSTIFIED
IN SUGGESTING THAT FIRM'S APPLICATION TO SINGAPORE GOVERNMENT
IS MISLEADING. IF FIRM DENIES ANY PREVIOUS ACTIVITIES IN SINGAPORE,
PLEASE INFORM US IMMEDIATELY AND WE WILL CHECK MATTER ONCE AGAIN,
THIS TIME PERHAPS QUERYING SINGAPORE GOVERNMENT.
KNEIP

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